

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE AVERY CLEVELAND HENRY :
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25-MC-296 (VSB)

ORDERVERNON S. BRODERICK, United States District Judge:

On July 2, 2025, pro se Petitioner Avery Cleveland Henry filed a miscellaneous case-initiating document in the above-captioned case. (Doc. 1.) The case-initiating document included a notarized declaration of nationality, stating Petitioner’s “intention to be a national but not a citizen of the United States,” (*id.* at 3), amongst other declarations regarding Petitioner’s age, lack of criminal history, and lack of other citizenship, (*see id.* at 4–5).

“In order for a federal court to assert jurisdiction over an action, the court must find that a justiciable ‘case or controversy’ exists.” *All. of Am. Insurers v. Cuomo*, 854 F.2d 591, 595 (2d Cir. 1988) (quoting U.S. Const. art. III § 2). A case or controversy exists where a plaintiff alleges an actual or threatened injury that is sufficiently real and immediate, as opposed to conjectural or hypothetical. *See id.* (citing *Blum v. Yaretsky*, 457 U.S. 991, 1000 (1982); *O’Shea v. Littleton*, 414 U.S. 488, 494 (1974)). It is axiomatic that under Article III’s case or controversy requirement, “a plaintiff cannot maintain a suit in which no relief can be granted.” *Doolittle v. Ruffo*, No. 88-CV-1175, 1996 WL 159850, at *9 (N.D.N.Y. Mar. 27, 1996).

Petitioner’s case-initiating document, on its face, seeks no relief from this Court. Therefore, this action presents no case or controversy and cannot be maintained in federal court under Article III of the U.S. Constitution. The case-initiating document at Doc. 1 is therefore

DISMISSED without prejudice. Petitioner is granted leave to amend within thirty days to assert a justiciable case or controversy. If Petitioner fails to amend within thirty days, the Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: July 21, 2025
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, prominent "V". The last name "Broderick" is written in a similar cursive style. The signature is positioned above a horizontal line.

Vernon S. Broderick
United States District Judge